

### **REMARKS**

Applicant respectfully requests further examination and reconsideration in view of the above amendments and the arguments set fully below. In the Office Action mailed September 8, 2004, claims 1, 9 and 16 have been rejected and claims 2-8 and 10-15 have been objected to. In response, the Applicant has submitted the following remarks and amended claims 1-5, 9-11, 13 and 16. Accordingly, claims 1-16 are pending. Favorable reconsideration is respectfully requested in view of the new claims and the remarks below.

### **Claim Objections**

Within the Office Action, it is stated that claims 1-16 have been objected to because of a number of informalities. Accordingly, the Applicant has amended claims 1-16 to include the appropriate corrections.

### **Rejections Under 35 U.S.C. §102(b)**

Claims 1, 9 and 16 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,487,741 to Alexander (hereinafter Alexander). In particular, it is asserted within the Office Action that claim 1 is anticipated in that Alexander specifically teaches a hydraulically operated dock leveler including all of the limitations of claim 1 of the present invention. The Applicant respectfully transgresses this rejection and submits that Alexander indeed does not teach an actuator mechanism connected to and rotational around a forward hinge.

Within the Office Action, it is stated that Figures 1-3 teach an actuator mechanism comprising an extension crank, seen as crank (35), an actuator crank seen as a lip bar (40), and a link from the actuator assembly to the frame, seen as lip spring (41), and a spring mechanism, seen as spring (66). It is also stated within the Office Action that the actuator mechanism is connected to, and is rotational around the forward hinge. However, Alexander does not teach the actuator mechanism being rotational around the

forward hinge. In fact, Alexander only teaches the actuator mechanism connected to the forward hinge, through the control arm (33).

In contrast to the teachings of Alexander, the hydraulically operated dock leveler of the present invention, where and when the ramp nears the top of its inclined position, the extension crank is actuated downward allowing the hydraulic cylinder to rotate the crank about the hinge and extend the lip. Figure 4 illustrates the initial lip extension position as the ramp assembly (10) continues to raise under the operator's control. When the ramp assembly (10) nears its uppermost inclined position the actuator chain (58) reaches its maximum length and tightens pulling substantially downwards on the actuator crank assembly (52) that in turn pulls down the extension crank assembly (53) by means of the common pin attachment (54). The extension crank assembly (53) in turn pivots around the hinge pin (31) making firm contact with the undersigned of the lip plate (81) causing the lip assembly to rotate outward. As described above, Alexander does not teach an actuator mechanism connected to, and rotational around the forward hinge.

The amended independent claim 1 is directed to a hydraulically operated dock leveler for forming a bridge between a floor of a loading dock and a truck bed comprising a ramp assembly hinged at its rear edge to a supporting frame and movable through a range of raised and lowered inclined positions with a lip assembly hinged to the forward edge of the ramp assembly movable from a downward pendent position to an outwardly extended position, a single hydraulic cylinder means connected to the supporting frame structure and to an actuator mechanism that when extending provides a force to lift said ramp assembly and extend said lip assembly, said actuator mechanism connected to and rotational around the forward hinge to affect both the lifting of said ramp assembly and extending of the said lip assembly thus providing two modes of operation, said actuator mechanism comprising an extension crank to apply direct ramp lifting and lip extending mode positions, an actuator crank to initiate the lip extension mode when the said ramp assembly is rising near its upper inclined position, a link from said actuator mechanism to the supporting frame structure to initiate the lip extension, and a spring mechanism to

retract the said hydraulic cylinder and said actuator assembly when hydraulic fluid pressure is not present in a motor pump unit to provide fluid under pressure to extend the said hydraulic cylinder and to receive fluid when the cylinder retracts.

As described above, Alexander does not teach said actuator mechanism connected to and rotational around the forward hinge. For at least these reasons, the independent claim 1 is allowable over the teachings of Alexander.

Claims 9 and 16 depend from the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Alexander. Accordingly, claims 9 and 16 are also allowable as being dependent on an allowable base claim.

#### Allowable Subject Matter

Within the Office Action, it is stated that claims 2-8 and 10-15 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2-8 and 10-15 depend from the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Alexander. Accordingly, claims 2-8 and 10-15 are also allowable as being dependent upon an allowable base claim.

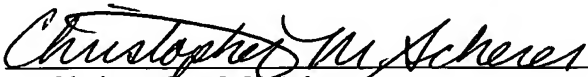
For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at

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414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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